

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 DECEMBER 4, 2008

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 4, 2008, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Ward Pedley, Chairman
9 Judy Dixon, Vice Chairman
10 Ruth Ann Mason, Secretary
11 Gary Noffsinger, Director
12 Madison Silvert, Attorney
13 Marty Warren
14 Sean Dysinger
15 Clay Taylor

16 * * * * *

17 CHAIRMAN: Call the Owensboro Metropolitan
18 Board of Adjustment to order.

19 We'll begin our meeting with a prayer and
20 pledge of allegiance to the flag. Madison will lead
21 us this evening.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to welcome everyone.
24 Anyone wishing to speak we ask you come to one of the
25 podiums and state your name and be sworn in.

First item on the agenda is to consider the
minutes from the November 6, 2008 meeting. Are there
any additions or corrections?

1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Move to approve.

4 MR. DYSINGER: Second.

5 CHAIRMAN: We have a motion and a second. All
6 in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: The minutes are approved.

9 Next item, please.

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11 CONDITIONAL USE PERMITS

12 ITEM 2

13 1564 River Road, zoned I-2
14 Consider a request for a Conditional Use Permit to
15 operate an automobile and truck parts storage and
16 salvage business which includes the storage and
17 dismantling of disabled vehicles and the recycling of
18 automobiles and truck parts.

16 Reference: Zoning Ordinance, Article 18,
17 Section 18.2G4/27 Salvage and Storage Yard

17 Applicant: N.T.N. Properties, LLC

18 MR. SILVERT: State your name, please.

19 MR. WILLIAMS: Zack Williams.

20 (ZACK WILLIAMS SWORN BY ATTORNEY.)

21 ZONING HISTORY

22 OMPC records indicate the subject property is
23 currently zoned I-2 Heavy Industrial. The subject
24 property was rezoned in 1990 from I-1 Light Industrial
25 and A-U Urban Agriculture to I-2 Heavy Industrial. A

1 Conditional Use Permit was granted in July 1990 to
2 operate a vehicle storage lot. This request has been
3 made to expand the operation to include salvage and
4 recycling activities. The applicant has provided a
5 site plan that satisfies the minimum requirements of
6 the Owensboro Metropolitan Zoning Ordinance. Access
7 to the property is provided by an existing drive on
8 River Road. It should also be noted that there are
9 private restrictions that apply to the type of fence
10 required and location thereof.

11 LAND USES IN SURROUNDING AREA

12 The adjacent property to the north is zoned
13 I-2 Heavy Industrial and has a Conditional Use Permit
14 to operate a scrap iron, salvage storage yard and
15 wrecking yard. This property also received a Variance
16 to eliminate the required perimeter trees along the
17 south, west and north property boundary and to
18 eliminate the required fence along the west property
19 boundary.

20 The adjacent property to the west and south is
21 zoned A-U, Urban Agriculture, and is densely wooded
22 near the subject property.

23 The adjacent property to the east is zoned I-2
24 Heavy Industrial and is a warehouse for Ira Wood &
25 Sons.

1 ZONING ORDINANCE REQUIREMENTS

2 1. The requested activity must be at least
3 100 feet from any other zone except I-2, I-1 and A-R.

4 2. An eight foot high solid wall or fence
5 must be maintained around the requested activity.

6 3. No stacking of material is permitted to
7 exceed the height of the required screening (8 feet).

8 4. A 10 foot wide landscape easement with one
9 tree per 40 lineal feet of boundary around the
10 activity.

11 5. One parking space per two employees on
12 maximum shift (minimum 5 spaces.)

13 SUGGESTED CONDITIONS

14 Access to the property must be limited to the
15 existing point on River Road.

16 MR. WILLIAMS: We would like to enter the
17 Staff Report into the record as Exhibit A.

18 MR. NOFFSINGER: Mr. Chairman, Staff would
19 also recommend that you add a condition which is
20 Number 3, "No stacking of material is permitted to
21 exceed the height of the required screening, which is
22 eight feet."

23 CHAIRMAN: Is there anyone here representing
24 the applicant?

25 MR. SILVERT: State your name, please.

1 MR. KAMUF: Charles Kamuf.

2 CHAIRMAN: Mr. Kamuf, we recognize the oath
3 you took as an attorney.

4 MR. KAMUF: If you have any questions, we're
5 here to answer them.

6 CHAIRMAN: Any board member have any questions
7 of Mr. Kamuf?

8 MR. KAMUF: We have a variance on some of the
9 issues coming up at the next meeting.

10 CHAIRMAN: We're only considering the
11 Conditional Use Permit tonight.

12 MR. KAMUF: That's right. That's the only one
13 before the board.

14 CHAIRMAN: Any board member have any questions
15 of Mr. Kamuf?

16 (NO RESPONSE)

17 CHAIRMAN: Staff?

18 MR. NOFFSINGER: No, sir, other than the
19 second condition that I've described should be added.

20 CHAIRMAN: Chair is ready for a motion.

21 MR. DYSINGER: Mr. Chairman, isn't that
22 already a zoning requirement?

23 MR. NOFFSINGER: I don't believe so.

24 MR. DYSINGER: Mr. Chairman, move to approve
25 the Conditional Use Permit given the findings that

1 it's appropriate for the area and there appears to be
2 no objections with the following conditions:

3 Access to the property must be limited to the
4 existing point on River Road and there shall be no
5 stacking of material to exceed the height of the
6 required screening or eight feet.

7 CHAIRMAN: We have a motion by Mr. Dysinger.
8 Is there a second?

9 MR. WARREN: Second.

10 CHAIRMAN: Any questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor of the motion raise
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 We need one more motion.

17 MR. WARREN: Motion to adjourn.

18 MS. MASON: Second.

19 CHAIRMAN: We have a motion and a second. All
20 in favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: We are adjourned.

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25

1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 6 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 5th day of December, 2008.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES: DECEMBER 19, 2010
23 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY
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